

Senate Bill No. 832

Passed the Senate September 6, 2007

Secretary of the Senate

Passed the Assembly September 4, 2007

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 66407 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 832, Corbett. Postsecondary education: textbooks.

The Donahoe Higher Education Act authorizes the activities of the 4 segments of the higher education system in the state. These segments include the 3 public segments: the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Private and independent institutions of higher education constitute the other segment. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

Existing law urges textbook publishers to take specified actions aimed at reducing the amounts that postsecondary education students currently pay for textbooks. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, among other things, to work with the academic senates of each respective segment to encourage faculty to give consideration to the least costly practices in assigning textbooks, to encourage faculty to disclose to students how new editions of textbooks are different from previous editions and the cost to students for textbooks selected, to review procedures for faculty to inform college and university bookstores of textbook selections, and to encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages that are economically sound and deliver cost savings to students.

Existing law expresses the intent of the Legislature to encourage private colleges and universities to work with their respective

academic senates and to encourage faculty to consider practices in selecting textbooks that will result in the lowest costs to students.

This bill would express findings and declarations of the Legislature relating to the cost of college and university textbooks. The bill would add the College Textbook Affordability Act to the Donahoe Higher Education Act. The bill would require the publisher of a textbook, as defined, its agents, and employees to make available to each prospective purchaser, as defined to mean the faculty member who selects the textbooks for his or her students, of that textbook at a postsecondary educational institution, a complete list of all of the products, as defined, offered for sale by that publisher and that are germane to the subject area of interest to the prospective purchaser, for each product listed, the wholesale or retail price of that product and the estimated length of time that the publisher intends to keep that product on the market, and a complete list of all substantive differences or changes made between the current edition and the most recent previous edition of the textbook.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Textbooks are an essential part of a comprehensive and high-quality postsecondary education. The availability and affordability of textbooks directly impact the quality and affordability of postsecondary education. It is in the best interests of the state that high-quality course materials be available and affordable to students.

(b) Textbooks are expensive. The General Accounting Office and independent student research have shown that textbook prices are, as of 2005, 26 percent of the cost of tuition at an average four-year university and 72 percent of tuition at the average community college.

(c) Textbook publishers artificially inflate prices through a number of practices, including:

(1) Undermining the used book market by often producing new editions of textbooks that contain few, if any, changes from one edition to the other.

(2) Inflating textbook prices by “bundling” textbooks with additional items that both students and faculty report are not actually used for class, but which do drive up the price of the textbooks.

(3) Keeping faculty members in the dark about the costs of textbooks, so that they are unable to make educated purchasing decisions for their students.

(d) To deliver high-quality materials to students that are affordable, all of the following should occur:

(1) Textbook publishers should produce textbooks that are as inexpensive as possible without sacrificing the educational quality of the textbooks.

(2) Textbook publishers should keep their products on the market for as long as possible without sacrificing educational quality. Textbook revisions should only be done if there is significant new content to the subject materials.

(3) Textbook publishers should disclose to faculty members and the public all of the different products they sell, and they should list how much each of those products cost and the length of time they intend to produce each product.

(4) Textbook publishers should ensure that any textbooks and supplementary items that are bundled together should also be available for purchase separately.

(5) Faculty should consider the least costly practices in assigning textbooks when these practices are educationally sound, as determined by the appropriate faculty.

(6) College and university bookstores should work with faculty to review timelines and processes involved in ordering and stocking selected textbooks, disclose textbook costs to faculty and students, and actively promote and publicize book buyback programs.

(7) Colleges and universities should do everything within their power to promote a vibrant used book market, including, but not necessarily limited to, used book exchange and rental programs.

(e) The production and pricing of college textbooks deserves a high level of attention from educators and lawmakers because textbooks impact the quality and affordability of higher education.

(f) The Legislature urges textbook publishers, faculty members, bookstores, and colleges and universities to adopt the solutions proposed in subdivision (d).

SEC. 2. Section 66407 is added to the Education Code, to read:

66407. (a) This section shall be known as, and may be cited as, the College Textbook Affordability Act.

(b) For purposes of this section, the following terms have the following meanings:

(1) “Postsecondary educational institution” includes both public and private postsecondary educational institutions.

(2) “Product” includes each different version of a particular textbook or set of textbooks in a particular subject area, and includes a supplemental item, whether that item is sold separately or concurrently with a textbook.

(3) “Purchaser” means a member of a college or university faculty who chooses the textbooks to be assigned to the students enrolled in the classes taught by him or her.

(4) “Textbook” is a book intended for use as a principal source of study material for a class or group of students, a copy of which is expected to be available for the individual use of each student in that class or group.

(c) Each publisher, agent, or employee of a publisher of textbooks intended for use at a postsecondary educational institution shall provide prospective purchasers at a postsecondary educational institution with all of the following:

(1) A complete list of all of the products offered for sale by that publisher and that are germane to the subject area of interest to the prospective purchaser.

(2) For each product listed pursuant to paragraph (1), the wholesale or retail price of that product and the estimated length of time that the publisher intends to keep that product on the market.

(3) For each new edition of a product listed pursuant to paragraph (1), a complete list of all substantive differences or changes made between the current edition and the most recent previous edition of the textbook.

(d) The lists required by subdivision (c) shall be made available to the prospective purchaser at the start of any sales interaction at a postsecondary educational institution, whether that interaction is in person, by telephone, or electronic. The lists required by subdivision (c) shall also be made available in a prominent position on the Internet Web site of the publisher.

Approved _____, 2007

Governor